

1 Hon. Robert J. Bryan  
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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE WESTERN DISTRICT OF WASHINGTON

7 LAWRENCE HARTFORD; DOUGLAS  
8 MITCHELL; BRETT BASS; SPORTING  
SYSTEMS VANCOUVER, INC.; SECOND  
AMENDMENT FOUNDATION; AND  
9 FIREARMS POLICY COALITION, INC.,

10 *Plaintiffs,*

11 v.

12 BOB FERGUSON, in his official capacity as  
Washington State Attorney General; JOHN R.  
13 BATISTE, in his official capacity as Chief of the  
Washington State Patrol; JOHN GESE, in his  
14 official capacity as Sheriff for Kitsap County,  
Washington; CLAYTON MYERS, in his official  
capacity as Sheriff for Kittitas County,  
15 Washington; JOHN HORCH, in his official  
capacity as Sheriff for Clark County,  
16 Washington; ADAM FORTNOY, in his official  
capacity as Sheriff for Snohomish County,  
17 Washington; CHAD M. ENRIGHT, in his  
18 official capacity as County Prosecutor for Kitsap  
County, Washington; GREG ZEMPEL, in his  
19 official capacity as County Prosecutor for  
Kittitas County, Washington; TONY GOLIK,  
20 in his official capacity as County Prosecutor for  
Clark County, Washington; and JASON  
21 CUMMINGS, in his official capacity as County  
Prosecutor for Snohomish County, Washington,  
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23 *Defendants.*

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25 No. 3:23-cv-05364-RJB  
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RESPONSE TO KITTITAS COUNTY  
DEFENDANTS' MOTION TO DISMISS

1 Plaintiffs oppose the Motion of Kittitas County Defendants Zempel and Myers (Dkt. No.  
2 61) for the reasons stated in Plaintiffs' Opposition (Dkt. No. 53) to the Kitsap County (Dkt. No.  
3 32) and Snohomish County (Dkt. No. 38) Motions to Dismiss.

4 Plaintiffs acknowledge that under the reasoning of this Court's Order granting those  
5 Motions (Dkt. No. 60), this Motion will be granted as to the Plaintiffs' claims against the Kittitas  
6 County Defendants under 42 U.S.C. § 1983 and 42 U.S.C. § 1988. Plaintiffs note that their claims  
7 under *Ex parte Young* remain against all county Defendants, and reserve their right to appeal this  
8 Court's adverse ruling.

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12 June 22, 2023.

13 ARD LAW GROUP PLLC

14 By: \_\_\_\_\_  
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RESPONSE RE: KITTITAS MTD - 1

HARTFORD v. FERGUSON, No. 3:23-cv-05364-RJB

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